

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3
4 JEROME L. GRIMES,) Nos. C 07-1726 CW (PR)
5 Plaintiff,)
6 v.) ORDER DISMISSING ACTION
7 DEPUTY WAN, ET AL.,) AND TERMINATING ALL
8 Defendants.) PENDING MOTIONS
9 _____)
10

Plaintiff Jerome L. Grimes filed this pro se civil rights action on March 27, 2007, when he was incarcerated at the San Francisco County Jail. He seeks leave to proceed in forma pauperis. On May 18, 2000, this Court informed Plaintiff that while he is a prisoner, he generally is ineligible to proceed in forma pauperis in federal court under the "three-strikes" provisions of 28 U.S.C. § 1915(g). See Grimes v. Oakland Police Dept., C 00-1100 CW (Order Dismissing Complaint, 5/18/00). Since then, Plaintiff has continued to file numerous civil actions as a prisoner, seeking in forma pauperis status. With respect to each action filed, the Court conducts a preliminary review to assess the nature of the allegations and to determine whether Plaintiff alleges facts which bring him within the "imminent danger of serious physical injury" exception to § 1915(g). The Court has routinely granted Plaintiff leave to amend to pay the full filing fee and to state cognizable claims for relief but he has habitually failed to do so. For example, in 2003 alone Plaintiff's failure to comply resulted in the dismissal of approximately thirty-six actions under § 1915(g).

In accord with this ongoing practice, the Court has reviewed the allegations in the present action and finds that Plaintiff alleges no facts which bring him within the "imminent danger"

1 clause.

2 Accordingly, this actions is DISMISSED without prejudice under
3 § 1915(g). The Clerk of the Court shall CLOSE the file and
4 TERMINATE all pending motions. Plaintiff's request to proceed in
5 forma pauperis is DENIED. No fee is due in these actions.

6 If Plaintiff is so inclined, he may bring his claims in a new
7 action accompanied by the \$350.00 filing fee. In any event, the
8 Court will continue to review under § 1915(g) all future actions
9 filed by Plaintiff while he is incarcerated in which he seeks in
10 forma pauperis status.

11 IT IS SO ORDERED.

12 DATED: 7/3/07



13 CLAUDIA WILKEN
14 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEROME L. GRIMES et al,

Plaintiff,

v.

WAN et al,

Defendant.

Case Number: CV07-01726 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 3, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jerome L. Grimes #2248447
San Francisco County Jail #2
Cell B-03, 7th Floor
850 Bryant Street
San Francisco, CA 94103

Jerome Grimes
263 Vernon Street
San Francisco, CA 94132

Dated: July 3, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk